

HOUSE BILL 1978

By Marsh

AN ACT to amend Tennessee Code Annotated, Title 50;
Title 56 and Title 62, relative to employment
relationships.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding the following
new chapter:

50-10-101.

For purposes of this chapter:

(1) "Marketplace contractor" means any individual, corporation,
partnership, sole proprietorship, or other business entity that:

(A) Enters into an agreement with a marketplace platform to use
the platform's online-enabled application, software, website, or system to
be given an assignment, or otherwise receive connections, to third-party
individuals or entities seeking its services in this state; and

(B) In return for compensation from the third-party or marketplace
platform, offers or provides services to third-party individuals or entities
upon being given an assignment or connection through the marketplace
platform's online-enabled application, software, website, or system; and

(2) "Marketplace platform" means a corporation, partnership, sole
proprietorship, or other business entity operating in this state that offers an
online-enabled application, software, website, or system that enables the
provision of services by marketplace contractors to third-party individuals or
entities seeking the services.

50-10-102.

(a) Notwithstanding any law to the contrary, a marketplace contractor is an independent contractor, and not an employee, of the marketplace platform for all purposes under state and local laws, rules, and ordinances, including, but not limited to, chapters 6 and 7 of this title, if all of the following conditions are met:

(1) The marketplace platform and marketplace contractor agree in writing that the contractor is an independent contractor with respect to the marketplace platform;

(2) The marketplace platform does not unilaterally prescribe specific hours during which the marketplace contractor must be available to accept service requests from third-party individuals or entities. If a marketplace contractor posts the contractor's voluntary availability to provide services, the posting does not constitute a prescription of hours for purposes of this subdivision (a)(2);

(3) The marketplace platform does not prohibit the marketplace contractor from using any online-enabled application, software, website, or system offered by other marketplace platforms;

(4) The marketplace platform does not restrict the marketplace contractor from engaging in any other occupation or business;

(5) The marketplace platform does not require marketplace contractors to use specific supplies or equipment; and

(6) The marketplace platform does not provide on-site supervision during the performance of services by a marketplace contractor.

(b) This section does not apply to any service that is the type of service identified in 26 U.S.C. § 3306(c)(7) or (c)(8).

50-10-103. Nothing in this chapter applies to a transportation network company, as defined in § 65-15-301.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to services provided through a marketplace platform on or after that date.